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SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

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OFFICE OF PETITIONS

In re Application of :
John G. Nunan :
Application Number: 10/734014 : DECISION ON PETITION
Filing Date: 12/11/2003 :
Attorney Docket Number: :
034166.053 :

This is a decision on the petition filed on December 6, 2007, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on October 1, 2007, for failure to file a response to the non-final Office action mailed on May 30, 2007, which set a three (3) month shortened statutory period for reply. A one (1)-month extension of the time for reply in accordance with 37 CFR 1.136(a) was filed on September 27, 2007. The filing of the present petition precedes the mailing of Notice of Abandonment.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Receipt of the Statement Under 37 CFR 3.73(b) filed on November 9, 2007, is acknowledged. The revocation and power of attorney filed on October 25, 2007, has been accepted.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.² The three (3)-month extension request filed on December 6, 2007, was submitted more than three (3) months after the end of the period for reply to the Office action mailed on May 30, 2007, and therefore is unnecessary. The extension of time fee will be refunded.

Receipt of the amendment filed with the present petition is acknowledged.

The application is being referred to Technology Center Art Unit 1795 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl:

Notice Regarding Change of Power of Attorney
Notice of Acceptance of Power of Attorney

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/734,014	12/11/2003	John G. Nunan	DP-311313

CONFIRMATION NO. 2369

POA ACCEPTANCE LETTER



25461
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ATLANTA, GA 30309-3592

Date Mailed: 01/15/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/25/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/diwood/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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10/734,014	12/11/2003	John G. Nunan	DP-311313

22851
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TROY, MI 48007

CONFIRMATION NO. 2369
POWER OF ATTORNEY NOTICE



Date Mailed: 01/15/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/25/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/diwood/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199